

FILE NO.: Z-7607-A

NAME: Chateaus on Stagecoach Short-form PCD

LOCATION: Located on Stagecoach Road at Chateaus Lane

DEVELOPER:

Carla Spainhour
c/o McGetrick Engineering
P. O. Box 30441
Little Rock, AR 72260

ENGINEER:

McGetrick Engineering
P. O. Box 30441
Little Rock, AR 72260

AREA: 2.4 Acres

NUMBER OF LOTS: 2

FT. NEW STREET: 0 LF

CURRENT ZONING: PCD - Expired

ALLOWED USES: Bank and Fast food restaurant

PROPOSED ZONING: PCD

PROPOSED USE: Bank and Family Dollar

VARIANCE/WAIVERS: None requested.

BACKGROUND:

Ordinance No. 19,106 adopted by the Little Rock Board of Directors on May 18, 2004, rezoned the site from R-2, Single-family to PCD to create two (2) lots and allow for a mixed use development containing a bank and a fast food restaurant. The lots were approved containing 1.2-acres each. Lot A was proposed with a banking facility with 2,500 square feet of floor area and 22-parking spaces. The maximum building height approved was 25-feet and the hours of operation were from 8:00 am to 7:00 pm six (6) days per week. Lot B was approved with a restaurant with drive-through service containing 4,150 square feet of floor area and 38 parking spaces. The restaurant hours were approved from 6:00 am to 12:00 am seven (7) days per week. The development has not occurred and the PCD zoning has expired.

A. PROPOSAL/REQUEST/APPLICANT'S STATEMENT:

The applicant is now proposing to reestablish the PCD zoning and revised the site plan for Lot B. The site plan includes retaining the bank on Lot A continuing to contain 2,500 square feet of floor area and 22-parking spaces. The hours of operation for the bank are proposed from 7 am to 7 pm Monday through Saturday. Lot B is changing from a fast food restaurant to a retail/commercial use. The retail facility is proposed containing 8,320 square feet and 29-parking spaces. The hours of the retail business are from 7 am to 10 pm seven (7) days per week. The height of both buildings will be less than 25-feet.

B. EXISTING CONDITIONS:

The site is vacant and somewhat level. The site abuts a floodway to the south and vacant single-family zoned property to the north. To the southwest of the site is a multi-family development and a property zoned PD-R which is a primarily built-out single-family patio homes development. The area to the east, across Stagecoach is currently vacant. West and northwest of the site are two single-family subdivisions; Chateaus Subdivision and Bentley Court Subdivision.

Other uses in the area include a branch library, office and commercial uses located to the south along Stagecoach Road, Otter Creek Court and Otter Creek Parkway.

C. NEIGHBORHOOD COMMENTS:

As of this writing, staff has received several informational phone calls from area residents. All property owners located within 200-feet of the site along with Southwest Little Rock United for Progress, the Bentley Court Property Owners Association, the Otter Creek Homeowners Association and the Wedgewood Creek Property Owners Association were notified of the public hearing.

D. ENGINEERING COMMENTS:

PUBLIC WORKS CONDITIONS:

1. Repair or replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy.
2. All driveways shall be concrete aprons per City Ordinance.
3. Remove all driveway curb cuts and aprons not proposed to be used.
4. Driveway locations and widths do not meet the traffic access and circulation requirements of Sections 30-43 and 31-210. The proposed bank driveway must be located at least 200 feet from the Stagecoach Road right of way line. *See staff suggested revision.*

5. A grading permit in accordance with Section 29-186 (c) and (d) will be required prior to any land clearing or grading activities at the site on Lot B. Other than residential subdivisions, site grading and drainage plans must be submitted and approved prior to the start of construction.
6. Stormwater detention ordinance applies to this property. Show the proposed location for stormwater detention facilities on the plan for the bank site.
7. If disturbed area is one (1) or more acres, obtain a NPDES stormwater permit from the Arkansas Department of Environmental Quality prior to the start of construction.
8. A special Grading Permit for Flood Hazard Areas will be required per Section 8-283 prior to construction on Lot B.
9. Obtain permits for improvements within State Highway right-of-way from AHTD, District VI.
10. Streetlights are required by Section 31-403 of the Little Rock code of ordinances. Provide plans for approval to Traffic Engineering. Streetlights must be installed prior to platting/certificate of occupancy. Contact Greg Simmons, Traffic Engineering, 501.379.1813; gsimmons@littlerock.org.
11. Due to the floodplain on the property and adjacent to floodplain, the top of finish floor of the proposed structure on Lot B should be elevated to 296-feet or higher and shown on plan.

E. UTILITIES AND FIRE DEPARTMENT/COUNTY PLANNING:

Wastewater: Sewer available to this project. Detention basin including levee cannot be constructed in the existing sewer easement. Contact Little Rock Wastewater Utility for additional information.

Entergy: Entergy does not object to the plans for these 2 lots. However, developer should be aware that Entergy's records indicate that single phase underground primary conductors exist on the eastern and southern edges of Lot A. Overhead lines exist on the southern edge of Lot B. Contact Entergy in advance to begin planning for line routing and service needs.

Center-Point Energy: No comment received.

AT & T: No comment received.

Central Arkansas Water:

1. All Central Arkansas Water requirements in effect at the time of request for water service must be met.
2. A water main extension will be needed to provide water service to this property.

3. This development will have minor impact on the existing water distribution system. Proposed water facilities will be sized to provide adequate pressure and fire protection.
4. The Little Rock Fire Department needs to evaluate this site to determine whether additional public and/or private fire hydrant(s) will be required. If additional fire hydrant(s) are required, they will be installed at the Developer's expense.
5. Please submit plans for water facilities and/or fire protection system to Central Arkansas Water for review. Plan revisions may be required after additional review. Contact Central Arkansas Water regarding procedures for installation of water facilities and/or fire service. Approval of plans by the Arkansas Department of Health Engineering Division and the Little Rock Fire Department is required.
6. A Capital Investment Charge based on the size of meter connection(s) will apply to this project in addition to normal charges. This fee will apply to all connections including metered connections off the private fire system.
7. If there are facilities that need to be adjusted and/or relocated, contact Central Arkansas Water. That work would be done at the expense of the developer.
8. Contact Central Arkansas Water if additional fire protection or metered water service is required.
9. Due to the nature of this facility, installation of an approved reduced pressure zone backflow preventer assembly (RPZA) is required on the domestic water service. This assembly must be installed prior to the first point of use. Central Arkansas Water requires that upon installation of the RPZA, successful tests of the assembly must be completed by a Certified Assembly Tester licensed by the State of Arkansas and approved by Central Arkansas Water. The test results must be sent to Central Arkansas Water's Cross Connection Section within ten days of installation and annually thereafter. Contact the Cross Connection Section at 377-1226 if you would like to discuss backflow prevention requirements for this project.
10. The facilities on-site will be private. When meters are planned off private lines. Private facilities shall be installed to Central Arkansas Water's material and construction specifications and installation will be inspected by an engineer, licensed to practice in the State of Arkansas. Execution of Customer Owned Line agreement is required.
11. Fire sprinkler systems which do not contain additives such as antifreeze shall be isolated with a double detector check valve assembly. If additives are used, a reduced pressure zone backflow preventer shall be required.

12. This development will have minor impact on the existing water distribution system. Proposed water facilities will be sized to provide adequate pressure and fire protection.

Fire Department: Fire hydrants per code. Maintain access. Contact the Little Rock Fire Department for additional information.

County Planning: No comment.

CATA: Proposed site directly served by Route #23. Existing bus stop on northwest corner of Stagecoach and Chateaus.

Parks and Recreation: No comment received.

F. ISSUES/TECHNICAL/DESIGN:

Building Code: Project is subject to full commercial plan review approval prior to issuance of a building permit. For information on submittal requirements and the review process, contact a commercial plans examiner: Curtis Richey at 501.371.4724; crichey@littlerock.org or Mark Alderfer at 501.371.4875; malderfer@littlerock.org.

Planning Division: This request is located in the Otter Creek Planning District. The Land Use Plan shows Mixed Use (MX) for this property. This category provides for a mixture of residential, office and commercial uses to occur. A Planned Zoning District is required if the use is entirely office or commercial or if the use is a mixture of the three. The applicant has applied for a rezoning from PCD - Expired (Planned Commercial District) to PCD (Planned Commercial District) to change an expired PCD to a retail use and a bank building along either side of Chateaus Lane.

Master Street Plan: Stagecoach Road is a Minor Arterial and Chateaus Lane is a Local Street on the Master Street Plan. A Minor Arterial provides connections to and through an urban area and their primary function is to provide short distance travel within the urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on Stagecoach Road since it is a Minor Arterial. The primary function of a Local Street is to provide access to adjacent properties. Local Streets that are abutted by non-residential zoning/use or more intensive zoning than duplexes are considered as "Commercial Streets". A Collector design standard is used for Commercial Streets. These streets may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Bicycle Plan: Class II Bike Lanes are shown along Stagecoach Road. Class II Bike Lanes provide a portion of the pavement for the sole use of bicycles.

Landscape:

1. Site plan must comply with the City's landscape and buffer ordinance requirements.
2. Screening requirements will need to be met for the vehicular use areas adjacent to street right-of-ways. Provide screening shrubs with an average linear spacing of not less at three (3) feet within the required landscape area. Provide trees with an average linear spacing of not less than thirty (30) feet.
3. A perimeter planting strip is required along any side of a vehicular use area that abuts adjoining property or the right-of-way of any street, highway or freeway. This strip shall be at least nine (9) feet wide. Provide trees with an average linear spacing of not less than thirty (30) feet within the perimeter planting strip. Provide three (3) shrubs or vines for every thirty (30) linear feet of perimeter planting strip.
4. Landscape areas shall be provided between the vehicular use area used for public parking and the general vicinity of the building, excluding truck loading or service areas not open to public parking. These areas shall be equal to an equivalent planter strip three (3) feet wide along the vehicular use area.
5. Eight percent (8%) of the vehicular use area must be designated for green space; this green space needs to be evenly distributed throughout the parking area(s). The minimum size of an interior landscape area shall be one hundred fifty (150) square feet for developments with one hundred fifty (150) or fewer parking spaces. Interior islands must be a minimum seven and one half (7 1/2) feet in width. Trees shall be included in the interior landscape areas at the rate of one (1) tree for every twelve (12) parking spaces.
6. A land use buffer will be required when an adjacent property has a dissimilar use of a more restrictive nature. As a component of all land use buffer requirements, opaque screening, whether a fence or other device, a minimum of six (6) feet in height shall be required upon the property line side of the buffer. A minimum of seventy (70) percent of the land use buffer shall be undisturbed. Easements cannot count toward fulfilling this requirement. The plantings, existing and purposed, shall be provided within the Landscape Ordinance of the City, Section 15-81.
7. The property to the west is zoned R-2, Single-family therefore, (6% of the average lot width) a minimum fourteen (14) foot buffer is required on the west property line. The minimum dimension shall be nine (9) feet in all instances. Dumpster enclosure encroaches into buffer area.
8. A landscape irrigation system shall be required for developments of one (1) acre or larger.
9. The City Beautiful Commission recommends preserving as many existing trees as feasible on this site. Credit toward fulfilling Landscape Ordinance

requirements can be given when preserving trees of six (6) inch caliper or larger.

G. SUBDIVISION COMMITTEE COMMENT: (June 4, 2014)

Mr. Pat McGetrick and Ms. Carla Spainhour were present representing the request. Staff presented an overview of the development stating there were additional items necessary to complete the review process. Staff requested Mr. McGetrick relocate the dumpster away from the residential homes. Staff also requested information concerning the treatment of the rear of the structure. Staff questioned the hours of dumpster service.

Public Works comments were addressed. Staff stated a grading permit was required prior to construction on the site. Staff requested Mr. McGetrick provide the finished floor elevation for the building located on Lot B at a minimum of 296-feet. Staff requested Mr. McGetrick revise the plan to allow the driveway on Lot A to enter the site from Stagecoach Road and remove the driveway entrance nearest the intersection of Chateau and Stagecoach.

Landscaping comments were addressed. Staff stated the interior landscaping appeared to be deficient. Staff also stated a small amount of building landscaping was required between the building and paved areas. Staff stated the dumpster as indicated was within the required buffer area along the western perimeter.

Staff noted the comments from the various other agencies. There were no more issues for discussion. The Committee then forwarded the item to the full Commission for final action.

H. ANALYSIS:

The applicant submitted a revised site plan to staff addressing a number of the issues raised at the June 4, 2014, Subdivision Committee meeting. The site plan has moved the dumpster pads away from the residential homes to the west and has indicated the hours of dumpster service will be limited to 7 am to 6 pm. The building is proposed as a four (4) sided building with brick on each of the facades. All mechanical equipment will be screened per the minimum zoning ordinance requirements. The driveway on Lot A has been redesigned per staff's comment.

The application request is to reestablish the two (2) lot PCD zoning and revise the site plan for Lot B of this expired PCD zoned site. The site plan includes retaining the bank as previously approved on Lot A. The building is proposed to contain 2,500 square feet of floor area with 22-parking spaces. The maximum building height proposed is 25-feet. The hours of operation for the bank are from 7 am to 7 pm Monday through Saturday. The total lot area for Lot A is 1.20 acres. Signage will comply with typical standards of the zoning ordinance for office zoned property or a maximum of six (6) feet in height and 64-square

feet in area. Building signage will be limited to a maximum of 10-percent of the façade area abutting public streets.

Lot B is changing from a fast food restaurant to a retail/commercial use. The retail facility is proposed containing 8,320 square feet of gross floor area with 29-parking spaces. The maximum building height proposed is 25-feet. The hours of operation for the retail business are proposed from 7 am to 10 pm seven (7) days per week. The site plan includes the placement of a dumpster along the southwestern portion of the site. A note on the site plan indicates the hours of dumpster service from 7 am to 6 pm. The hours of deliveries for the retail business are limited to 8 am to 5 pm. Staff feels the store hours should be limited to 8 am to 9 pm, daily.

The revised cover letter states building signage will be limited to the front façade and meet the typical minimum ordinance requirements of less than ten (10) percent of the façade area. A ground sign is proposed. The sign is proposed not to exceed 36-feet in height and 160-square feet which is the sign area typically allowed in the C-3, General Commercial Zoning District.

The site plan for Lot B indicates the placement of a screening fence along the western perimeter and the placement of trees and shrubs to soften the impact of the screening fence. Staff feels this treatment should be provided on both lots. Staff recommends the applicant provide the planting of trees and shrubs at one and one-half (1 ½) times the typical ordinance requirement on the western perimeter. A minimum of 50-percent of the plantings should be evergreen type trees and shrubs. Staff feels the additional trees and shrubs will aid lessening the impact to the adjacent homes.

The landscape plan as presented appears to not be in compliance with the eight (8) percent minimum interior landscaping requirement. The parking as provided exceeds the typical minimum parking required for a retail development (1-space per 300-gross square feet). The ordinance would typically require the placement of 27-parking spaces. The site plan indicates the placement of 29-parking spaces. Staff feels the number of parking spaces on the site should be reduced to allow for adequate interior landscaping.

The residents of the nearby subdivisions have requested the City place a condition on the development of this site as a retail business they not be allowed alcohol sales. Staff feels this is an appropriate condition. In addition the residents request the development provide a cart corral for a centralized location for the placement of shopping carts within the parking lot. Staff feels this is an appropriate request.

Staff is supportive of the request. Staff feels the development as proposed is less intense than the previous approval. The hours of operation from the retail store have been reduced from the previous approval and staff feels the hours

should be further limited to store hours of 8 am to 9 pm daily. The site is shown as Mixed Use on the City's Future Land Use Plan. This category allows for residential, office and commercial uses to occur. The plan as presented contains an office component as well as retail. Staff feels the request to reestablish the PCD zoning for this site is appropriate.

I. STAFF RECOMMENDATION:

Staff recommends approval of the request subject to compliance with the comments and conditions as outlined in paragraphs D, E and F of the agenda staff report.

Staff recommends the applicant provide landscaping along the western perimeter of Lots A and B at one and one-half (1 ½) times the typical ordinance requirement for the placement of trees and shrubs within the buffer area.

Staff recommends the number of parking spaces on the site be reduced to allow for adequate interior landscaping.

Staff recommends there be no alcohol sales from this location.

Staff recommends the applicant provide a cart corral for the placement of shopping carts within the parking lot of Lot B.

Staff recommends the store operational hours be limited to 8 am to 9 pm daily.

PLANNING COMMISSION ACTION:

(JUNE 26, 2014)

The applicant was present. There were a number of registered objectors present. Staff presented the item with a recommendation of approval subject to a number of conditions.

Ms. Carla Spainhour addressed the Commission on the merits of the request. She stated the previous approval allowed for two (2) commercial lots. She stated the lots were proposed at the same time the single-family subdivision was approved. She stated the homes had developed but the commercial lots had been for sale for 10-years and no one had made an offer on the lots for development. She stated if there had been a bank or a fast food restaurant come by with an offer the lots would have sold but no one was interested in this location with the exception of recently for Family Dollar. She stated they had read staff's comments and were in agreement with all the comments with the exception of alcohol sales. She stated Family Dollar did not anticipate selling alcohol at this location but did not want the restriction placed on the site that would not allow the sale. She stated a few of the stores in the northeast were now testing the sale of beer and wine. She stated the store would be a four (4) sided

building with brick on all exteriors. She stated the site would include a central location to place the cars. She stated the developers were agreeable and would comply with all staff's comments and conditions except that of no sale of alcohol from this site.

Ms. Christy Walker addressed the Commission in opposition of the request. She stated safety of the children was the primary concern. She stated there was a school bus stop on Stagecoach Road at the entrance to the subdivision. She stated there was a CATA bus stop located on the opposite side of Stagecoach at the same location. She stated the Family Dollar store would only increase traffic in the area. She stated the store hours were from 8 am to 9 pm but there were many times the children were still at the bus stop at 8 am. She stated there were four (4) homes that boarded the property. She stated the placement of a Family Dollar store would impact the property values of these four (4) homes. She stated the subdivision only had one-way in and one-way out. She stated for persons not familiar with the area they would potentially miss the entrance to Family Dollar and drive through the neighborhood looking for alternate ways of access. She stated there were apartments located behind the subdivision to the south. She questioned the Commission if they had noticed the red carts from Target on University around the various neighborhoods located in the vicinity of Target. She stated there was an apartment complex located to the north of Target that had a number of shopping carts around it most times. She stated traffic on Stagecoach was heavy. She stated from 3:30 pm to 6:30 pm exiting the subdivision was impossible unless you turned right and went to Otter Creek and made the u-turn to go north and/or east. She provided the Commission with statistics of the target market of Family Dollar and the median income of the 72209 zip code. She questioned Family Dollar's definition of middle income. She requested the persons in opposition to the Family Dollar to stand in support of denying the request.

Lynn Clayton addressed the Commission in opposition of the request. He stated his home was in Otter Creek which was an older established neighborhood which was trying to hold on and maintain. He stated with the development of the Bass Pro and the Outlet Mall development in the area had increased, as well as traffic. He stated it was difficult to balance growth of the City and the impact on the neighborhoods. He stated the area did not need a Family Dollar store. He stated there was a General Dollar store located ½ mile to the north of this site. He stated the use did not fit the balance of the neighborhood.

Mr. Joe Eick addressed the Commission in opposition of the request. He stated the development as a Family Dollar was not wanted or needed. He stated the Neighborhood Action Plan for Otter Creek outlined potential uses desired for the area. He stated the uses were to be quiet rural in nature and fit with the neighborhood. He stated the Family Dollar did not fit with the neighborhood.

Ms. Pat Oliver addressed the Commission. She stated she had provide the Commission with documentation from the neighborhood and a petition from the neighborhood in opposition of the request. She stated Family Dollar would be an eye sore on the neighborhood. She stated it was difficult for residents to exit the

neighborhood and with the Family Dollar and their driveway located near the subdivision entrance it would be difficult for the residents to see to pull out of the subdivision. She stated the entrance to the subdivision was dark and turning into the subdivision was difficult. She stated the subdivision was not gated and she felt with the placement of the Family Dollar at this location would only increase traffic within the subdivision.

Ms. Felicia Robinson-Loring addressed the Commission in opposition of the request. She stated she echo Ms. Oliver's and all the other speakers comments. She stated she had lived in the neighborhood for six (6) months and had purchased the home to be close to her parents. She stated she had lived in West Little Rock and was one of the many post cards the Commission had received when there was a proposed convenience store on Rodney Parham and Breckenridge. She stated the Family Dollar was not a fit for the neighborhood. She stated traffic in the area was extremely difficult and turning left out of the subdivision was dangerous. She stated she was concerned with children waiting to catch the bus and the traffic that would be generated from a Family Dollar store.

Ms. Pat Gee, Southwest Little Rock United for Progress (SWLRUP), addressed the Commission in opposition of the request. She stated Southwest Little Rock United for Progress was in support of the neighborhood. She stated the neighborhood felt so strongly that the use was not a fit for the area. She stated the sale of alcohol was a concern of Southwest Little Rock United for Progress and the neighborhood. She stated SWLRUP had voted to not support the request.

Ms. Ashley Harris addressed the Commission in opposition of the request. She stated she was concerned with the traffic that would be generated from a Family Dollar store. She stated the neighborhood was a safe quiet neighborhood and should remain a single-family neighborhood.

Lawrence Krajci addressed the Commission in opposition of the request. He stated there was an on-going Visioning effort for the Otter Creek Neighborhood and the entrances to the neighborhood. He stated it would be best for the Commission to put off acting on the request until after the Visioning process was completed. He stated through the process land use and zoning would be reviewed in addition to aesthetics for development of commercial sites. Chairman Fountain questioned the time frame for the Visioning process. Mr. Krajci stated the winner would be announced in January 2015.

The representative for Family Dollar addressed the Commission addressing comments and concerns. He stated Family Dollar did not intend to sell beer at this location and may likely never sell beer at this location but they did want the right to sell beer and/or wine should there become a demand in the future. He stated the store did not offer individual sales of beer. He stated the building would be brick on all four sides. He stated the additional landscaping requested by staff would be installed. He stated the store hours would be limited as requested by staff. He stated the placement of a central cart location was also agreeable. He stated the store would not generate a lot of additional traffic. He stated there was no entrance from Chateaus from the store site. He stated he felt the development was a good fit for the area.

Commissioner Nunnley questioned Ms. Walker if she knew the site was a commercial site when she bought her house. She stated she did not realize the site would be a commercial location. She stated she felt the area would develop with something other than a string of dollar stores.

There was a general discussion by the Commission concerning the location, the use, the area and access to the site. The Commission commented no matter the development traffic would be generated. It was noted there was no access to the commercial site from Chateaus. It was noted once the Bass Pro was built traffic in the area had increased.

Ms. Spainhour stated the property had been on the market for over ten (10) years and had not developed. She stated the site was approved as a commercial site as the subdivision preliminary plat was being approved. She stated all of Little Rock was busy from the times the neighborhood had noted it was difficult to exit their subdivision. She stated turning across four (4) lanes of traffic was not safe and Fed Ex required all their drivers to make right turns. She requested the Commission not place the condition on the zoning for no alcohol sales and allow the ABC Board to determine the appropriateness.

Commissioner Bubbus stated there were two (2) low income multi-family developments located in this general area. He stated although most could travel to the General Dollar store ½ mile up the street it was more difficult when the person did not have a car and walking on HWY 5 when it was over 100 degrees outside. He stated the CATA bus stop would also allow residents who only had access to public transportation a way to get to the store.

The Commission questioned Ms. Spainhour if the commitment to provide a combination of materials on the building was an amendment to the application request. She stated she was amending her application to include the combination of exterior materials to allow the massing of the building to be broken.

A motion was made to approve the request including all staff recommendations and comments except that of exclusion of alcohol sales. The motion carried by a vote of 8 ayes, 1 no and 2 absent.